

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1986.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	December 23, 2002
DATE OF REPORT:	January 22, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	June 2, 2003

COMPLAINT ISSUES:

Whether the Gary Community Schools violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written, specifically, by not providing one 15-minute counseling session with the social worker per week.

FINDINGS OF FACT:

1. The student (Student) is 16 years old, attends a local high school, and is eligible for special education and related services as a student with a mild mental disability.
2. The IEP dated February 8, 2001, required the School to provide the Student with 30 minutes of counseling services one time weekly beginning on February 9, 2001, and ending on June 1, 2001. The IEP dated January 18, 2002, required the School to provide the Student with 30 minutes of counseling services one time weekly beginning on January 22, 2002, and ending on June 6, 2002. The IEPs do not address counseling services for the first semester of the 2001-2002 school year. The School acknowledges that required counseling services were not provided to the Student.
3. The CCC convened on January 9, 2003, and determined the Student would be provided 480 minutes of compensatory services beginning January 13, 2003. The Complainant signed the IEP in agreement.

CONCLUSIONS:

1. Findings of Fact #1 and #2 establish that the Student was denied counseling services during the 2001 and 2002 school years. Although compensatory services are being provided to the Student for the missed counseling services, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Gary Community Schools shall:

Maintain a monthly log including the date, time, and length of each counseling session, and the signature of the social worker providing the counseling services. The total number of compensatory minutes used during

each month must be documented. **A copy of the log shall be submitted to the Division no later than the last business day of the month beginning with January 2003, and continuing through June 2003.**

DATE REPORT COMPLETED: January 22, 2003

